

ARTICLE 4

WELL STANDARDS

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ARTICLE 4

WELL STANDARDS

SEC. 5-4.00 TITLE. This article shall be known as the "Well Standards Ordinance of the City of Hayward", adopting by reference the well standards of the County of Alameda, in order to provide uniform regulations consistent with the County of Alameda for the construction, repair, reconstruction, destruction or abandonment of wells within the City of Hayward.

SEC. 5-4.10 COUNTY OF ALAMEDA ORDINANCE NO. 73-68 ENTITLED "AN ORDINANCE TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR ABANDONMENT OF WELLS WITHIN THE BOUNDARIES OF THE COUNTY OF ALAMEDA", ADOPTION BY REFERENCE. The well standards regulations of the County of Alameda adopted by Ordinance No. 73-68 on the 17th day of July, 1973 and entitled, "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda" is hereby adopted as the well standards ordinance of the City of Hayward regulating the construction, repair, reconstruction, destruction or abandonment of wells within the City of Hayward.

Three printed copies of such Alameda County regulations (primary code) and three printed copies of Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards: State of California" and Appendixes E, F and G a part thereof, together with the supplemental standards of Department of Water Resources Bulletin No. 74-2, "Water Well Standards: Alameda County" and Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Wells Standards: State of California" (secondary code), are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

SEC. 5-4.20 ADMINISTRATION AND ENFORCEMENT. The Alameda County Public Works Department, through the Alameda County Flood Control and Water Conservation District, is hereby granted jurisdiction to administer and enforce these regulations on behalf of the City of Hayward.

WELL WATER REPLENISHMENT CHARGES

SEC. 5-4.50 PURPOSE. The imposition of the replenishment charges as hereinafter provided is to comply with certain conditions imposed by the Local Agency Formation Commission of Alameda County by its Resolution No. 73-24 dated September 27, 1973, approving the "Hayward Detachment from the Alameda County Water District".

SEC. 5-4.51 DETACHED AREA DEFINED. REAL PROPERTY in the City of Hayward, County of Alameda, State of California, lying within the boundaries of the Alameda County Water District, as said boundaries were established by the Board of Supervisors of Alameda County by Resolution No. H-10788, adopted November 25, 1913, and filed in Minute Book 43 at page 262, described as follows:

PARCEL 1

BEGINNING at the intersection of the general northern right of way line of County Road No. 556, known as Whipple Road, 49.50 feet in width, with the general northerly boundary line of said Water District; thence northwesterly and southwesterly along said general northerly boundary line of said Water District to an angle point therein; thence leaving said general northerly boundary line and continuing southwesterly and southerly along the easterly right of way line of County Road No. 314, known as Industrial Parkway Southwest, formerly Alquire Road, 45.00 feet in width, to said general northern right of way line of Whipple Road, being the general southerly boundary line of the territory annexed to the City of Hayward by Hayward City Council Ordinance No. 128 C.S., a map of which territory was filed January 15, 1958, in Map Book 40, at page 18A, Records of Alameda County, California, thence easterly, northerly, easterly, northerly, southeasterly and easterly along said boundary line to the point of beginning.

BEING a portion of the said territory annexed, and containing 920 acres, more or less.

PARCEL 2

BEGINNING at the southeasterly corner of the territory annexed to the City of Hayward by Alameda County Board of Supervisors Resolution No. 108873 (recorded as Resolution No.108877), a map of which territory was filed October 1, 1964, in Map Book 43, at Page 69A, Records of Alameda County, California. thence northwesterly along the general easterly boundary line of said territory annexed, to the intersection thereof with the general northerly boundary line of said Water District; thence westerly along said general northerly boundary line to the intersection thereof with the northerly prolongation of that course designated "South 22° 04 East", in the general westerly boundary line of that territory annexed to the City of Hayward by Hayward City Council Ordinance No. 127 C.S., a map of which territory was filed January 15, 1958, in Map Book 40, at Page 17A, Records of Alameda County, California; thence leaving the said Boundary line of said Water District southeasterly along the said prolongation and general westerly boundary line to the most southwestern corner of said territory annexed; thence easterly, northerly, easterly, southerly, southeasterly and easterly along the general southerly boundary line of said territory annexed, to the most eastern corner thereof, said point being the most southern corner of the territory annexed to the City of Hayward by Hayward City Council Resolution No. 70-124 C.S., a map of which territory was filed June 18, 1970, in Map Book 60, at Page 64, Records of Alameda County, California; thence northeasterly along the general southerly boundary line of last said territory annexed to a point on the southwesterly boundary line of the territory annexed to the City of Hayward by Hayward City Council Ordinance No. 152 C.S., a map of which territory was filed June 13, 1958, in Map Book 40 at Page 30A, Records of Alameda County, California; thence southeasterly along the said southwesterly boundary line and along the southwesterly boundary line of the territory annexed to the City of Hayward by Hayward City Council Resolution No. 69-025 C.S., a map of which territory was filed February 24, 1969, in Map Book 60, Page 10, Records of Alameda County, California, to the most southern corner of the last said territory annexed; thence northeasterly and easterly along the general southerly boundary line of said territory annexed and along the general southerly boundary line of the aforementioned territory annexed by Hayward City Council Ordinance No. 152 C.S., to a point on the general westerly boundary line of the first said territory annexed (Resolution No. 108873), thence southeasterly along the said general westerly boundary line to the southwestern corner of said territory annexed,. thence easterly along the general southerly boundary line of said territory annexed to the point of beginning.

BEING portions of the above mentioned territories annexed, and containing 202.3 acres, more or less.

PARCEL 3

BEGINNING at the southwestern corner of the territory annexed to the City of Hayward by Hayward City Council Resolution No. 67-291 C.S., a map of which territory was filed September 22, 1967, in Map Book 51, at Page 71, Records of Alameda County, California, thence northerly along the westerly boundary line of said territory annexed to the intersection thereof with the general northerly boundary line of said Water District; thence easterly along said general northerly boundary line to the intersection thereof with the general southerly boundary line of the territory annexed to the City of Hayward by Hayward City Council Ordinance No. 109 C.S., a map of which territory was filed October 8, 1957, in Map Book 40, at Page 9A, Records of Alameda County, California; thence westerly along the said southerly boundary line of said territory annexed to the intersection thereof with the easterly boundary line of the first said territory annexed; thence southerly and westerly along the easterly and southerly boundary lines thereof to the point of beginning.

BEING portions of the said territories annexed, and containing 10 acres, more or less.

PARCEL 4

BEGINNING at an intersection of the general northerly boundary line of said Water District, with the general westerly boundary line of the territory annexed to the City of Hayward by Hayward City Council Resolution No. 70-277 C.S., a map of which territory was filed December 24, 1970, in Map Book 60, at Page 77, Records of Alameda County, California; thence northwesterly along the last said boundary line to the intersection thereof with the aforesaid general northerly boundary line of said Water District, thence southeasterly and southerly along last said boundary line to the point of beginning.

BEING a portion of the said territory annexed, and containing 1.2 acres, more or less.

PARCEL 5

BEGINNING at an intersection of the general northerly boundary line of said Water District, with the general southerly boundary line of the territory annexed to the City of Hayward by Hayward City Council Ordinance No. 272 C.S., a map of which territory was filed March 22, 1960, in Map Book 40, at Page 90A, Records of Alameda County, California; thence westerly, northwesterly, and northerly along the last said boundary line to the intersection thereof with the aforesaid general northerly boundary line of said Water District; thence southeasterly along last said boundary line to the point of beginning.

BEING a portion of the said territory annexed and containing 1 acre, more or less.

PARCEL 6

BEGINNING at the most southern corner of the territory annexed to the City of Hayward by Hayward City Council Resolution No. 69-352 C.S., a map of which territory was filed December 29, 1969, in Map Book 60 at Page 49, Records of Alameda County, California; thence

northwesterly and northerly along the general westerly boundary line of said territory annexed to the intersection thereof with the general northerly boundary line of said Water District; thence easterly and southeasterly along said general northerly boundary line to the intersection thereof with the southeasterly boundary line of the aforesaid territory annexed; thence southwesterly along the last said boundary line to the point of beginning.

BEING a portion of the aforesaid territory annexed, and containing 215 acres, more or less.

PARCEL 7

BEGINNING at an intersection of the general northerly boundary line of said Water District, with the general easterly boundary line of the territory annexed to the City of Hayward by Hayward City Council Ordinance No. 187 C.S., a map of which along the first said boundary line to the intersection thereof with the said general easterly boundary line of the territory annexed; thence easterly, northerly and easterly along the last territory was filed October 15, 1958, in Map Book 40, at Page 49A, Records of Alameda County, California; thence northerly, westerly, southerly, southwesterly and southeasterly said boundary line to the point of beginning.

BEING a portion of the aforesaid territory annexed, and containing 92 acres, more or less.

SEC. 5-4.52 WELL WATER REPLENISHMENT CHARGES APPLICABLE TO THE AREA DETACHED IN 1973. From and after the effective date of detachment from the Alameda County Water District, there shall be imposed upon the owner of the land within the Detached Area by the City of Hayward (Water Department) for the benefit of the Alameda County Water District, the following charges.

- (1) Well Connection Fee. At the time a well is constructed or placed in operation, a well connection fee equivalent to the then-current assessed value of the parcel of land on which said well is located, multiplied by the number of years since detachment, not to exceed 10, multiplied by the average Alameda County Water District tax rate for said years.
- (2) a. Replenishment Assessment. Alameda County Water District Replenishment Assessment Adopted by Reference. The replenishment assessments (together with the administrative procedures therefor) adopted by the Alameda County Water District by Resolution No. 72-053, dated April 26, 1972, and entitled "Resolution No. 72-053 of Board of Directors of Alameda County Water District Levying a Replenishment Assessment on the Production of Ground Water, Fixing Rates per Acre Foot of Ground Water so Produced, Setting the Amount of Replenishment Assessment on Water Producing Facilities Having a Discharge Opening no Greater than Two Inches, and Providing Notice to Operators of Rate of Replenishment Assessment and Registration Form", and any subsequent resolutions adopted pursuant to Sec. 5-4.55, are hereby adopted as the replenishment assessments (and procedures) of the City of Hayward applicable to the Detached Area.

Three printed copies of said Alameda County Water District resolution and of Chapter 1942, Statutes of 1961 of the State Legislature, as amended, are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

This charge shall apply to both private and public wells and shall continue as long as said well or wells continue in operation.

- b. Alameda County Water District Property Tax. A sum equivalent to the Alameda County Water District Property Tax as applied to said parcel of land within the detached area. This charge shall continue until such time as the well or wells are abandoned and sealed.

SEC. 5-4.53 WELL WATER REPLENISHMENT CHARGES APPLICABLE TO THE AREAS DETACHED IN 2000 and 2004. Pursuant to the conditions imposed by LAFCO's resolution 99-08 approving the detachment of the "Oliver East" property (hereafter described in Appendix "A") and pursuant to the conditions imposed by LAFCO's resolution 2004-27 and after the respective detachments of the Oliver West and Eden Shores properties from the Alameda County Water District ("District"), the City of Hayward shall impose the following charges for the benefit of the District upon any owner of land within the detached areas whenever a well is constructed or operated by any person or organization except an agency of the United States, the State of California, a municipal corporation, or other local government agency:

- a. Well Connection Fee. At the time a well is constructed or placed in operation, a Well Connection Fee equivalent to the taxes that would have been received by the District from the parcel of land on which said well is constructed or operated if the land had not been detached. The Well Connection Fee may be imposed for the years since the detachment up to a maximum of ten (10) years.
- b. Facilities Acreage Charge. A Facilities Acreage Charge based on the area served by the well in an amount equivalent to that which would be applicable to a similar well located within the District.
- c. Well User's Charge. The City shall continue to impose, subject to compliance with applicable provisions of law, a Well User's Charge equivalent to both of the following:
 - (i) Any replenishment assessment (commonly known as a pump tax) in the same amount as the assessment imposed by the District on wells located within the District's boundaries at the rate for uses other than municipal recreation or agriculture. This charge shall apply to all wells, including those constructed and operated by a governmental agency and shall continue as long as such wells are being operated; and
 - (ii) The District property tax which would have been applicable to such parcel of land on which the operating well is located is such land had remained within the District's jurisdiction. This charge shall continue until such time as the well is abandoned or sealed.
- d. The City may agree to have the Alameda County Water District collect the fees and

charges imposed under this Section.

SEC. 5-4.54 CONSTRUCTION, OPERATION, OR DESTRUCTION OF WELLS.

No well shall be constructed, operated, or destroyed within any detached area without the prior approval of the District. Subsequent to the adoption of this section, all tentative maps and/or subdivisions approved for property located in the detached area shall contain a condition that requires prior approval of the District before constructing, operating, or destroying a well in the detached area.

SEC. 5-4.55 AMENDMENTS TO REPLENISHMENT ASSESSMENT.

All amendments to or replacements of any replenishment assessment (pump tax) by the Alameda County Water District enacted subsequent to the effective date of detachment which are not inconsistent with these regulations shall automatically become a part of these regulations upon the filing of three certified copies thereof with the City Clerk of City.

APPENDIX A TO HAYWARD MUNICIPAL CODE CHAPTER 5-4: DESCRIPTION OF "OLIVER EAST" AREA DETACHED IN 2000

The following real property located within the City of Hayward, County of Alameda, State of California, formerly lying within the boundaries of the Alameda County Water District as said boundaries were established by the Board of Supervisors of Alameda County by Resolution No. H-1 0788, adopted November 25, 1913, and filed in Minute Book 43 at page 262, is the area known as the "Oliver East" property, detached from the Alameda County Water District in 2000. Such area is more particularly described as follows:

OLIVER EAST PROPERTY

All that certain real property situated in Eden Township, in the unincorporated area of Alameda County, California, described as follows:

Beginning at an angle point in the General Southern Boundary line of the territory annexed to the City of Hayward by Ordinance No.127 C.S., the Map of which was filed for record on January 15, 1958 in Book 40 of Maps at page 17A, Official Records of Alameda County, California, said point of beginning being at the Westerly terminus of a line shown as having a length of 2,536.05 feet, and said point of beginning also being the intersection of the Westerly prolongation of the Southern boundary line of Parcel Map 6191, which was filed for record on July 2, 1992 in Book 202 of Parcel Maps at Pages 3 through 6, Official Records of Alameda County, with the Northeasterly right-of-way line of the lands of the Southern Pacific Transportation Company (formerly Southern Pacific Railroad, and also formerly South Pacific Coast Railroad); thence Southeasterly along said Northeasterly line, being also along the Northeasterly line of the territory annexed to the City of Hayward by Ordinance 140 C.S., the Map of which was filed for record on April 14, 1958 in Book 40 of Maps at Page 23A to the General Northern boundary line of the City of Union City, as established at the time of incorporation by Alameda County Board of Supervisors Resolution No.89527, Adopted on January 19, 1959; thence Easterly and Northeasterly along said General Northern boundary line, to the Northeastern right-of-way line of Hesperian Boulevard, (66.00 feet wide), also known as County Road No.90, also being the General Westerly boundary line of the territory detached from the City of Union City and annexed to the City of Hayward by Resolution No.69-025 C.S., a Map of which was filed for record on February 24, 1969 in Book 60 of Maps at Page 10, Official Records of Alameda County, California; thence Northeasterly along said General Westerly boundary line, to the Southwesterly corner of the territory annexed to the City of Hayward by Ordinance No.152 C.S., a Map of which was filed for record on June 13, 1958 in Book 40 of Maps at Page 30A, Official Records of Alameda County, California; thence continuing along said Northeasterly right-of-way line of Hesperian Boulevard also being along the General Westerly line of said annexed territory (Ord. No.152 C.S.) To the Easterly prolongation of the Southern boundary line of said territory annexed to the City of Hayward by Ordinance 127 C.S., also being the Easterly prolongation of the Southern boundary line of Parcel Map No.6191, which was filed for record on July 21, 1992 in Book 202 of Maps at Pages 3 through 6, Official Records of Alameda County, California; thence Westerly along said prolongations, and along said Southern Boundary lines to the point of beginning.

Containing 119 acres, more or less.